

STAND. COM. REP. NO. 3053

Honolulu, Hawaii

MAR 21 2014

RE: H.B. No. 2577
H.D. 2
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

Your Committee on Human Services, to which was referred H.B. No. 2577, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC HOUSING,"

begs leave to report as follows:

The purpose and intent of this measure is to prohibit smoking anywhere in a public housing project, except in a designated smoking area not less than 25 feet from any building, by:

- (1) Requiring any lease, rental agreement, permit, or license to have a provision that prohibits smoking by tenants and guests anywhere in the public housing project, other than in a designated smoking area;
- (2) Making the violation of the smoking prohibition grounds for termination and eviction; and
- (3) Authorizing the Hawaii Public Housing Authority (Authority) to adopt rules for the administration of the prohibition on smoking.

Your Committee received testimony in support of this measure from the Department of Health, Coalition for a Tobacco-Free Hawaii, and two individuals. Your Committee received comments on this measure from the Hawaii Public Housing Authority and one individual.



Your Committee finds that there are many hazards caused by involuntary exposure to tobacco smoke. The United States Surgeon General has found that there is no safe level or amount of exposure to secondhand smoke. In 2006, Hawaii enacted a smoke-free workplace and public places law to protect the public from involuntary exposure to smoke in enclosed and partially-enclosed areas, but the law excludes private residences. Your Committee further finds that the United States Department of Housing and Urban Development actively supports and encourages the creation of smoke-free residential public housing properties.

Your Committee has amended this measure by:

- (1) Deleting the requirement that any lease, rental agreement, permit, or license have a provision that prohibits smoking in the public housing project and replacing it with a general smoking prohibition that forbids smoking in any public housing project, elder or elderly household, or state low-income housing project, within:
 - (A) Each individual housing unit;
 - (B) All common areas;
 - (C) Community facilities; and
 - (D) Twenty feet from each individual building of the public housing project or state low-income housing project, and from any entrance, exit, window, and ventilation intake that serves an enclosed or partially enclosed area;
- (2) Requiring that the designated smoking areas, if any, be located no less than twenty feet from any residential or other building, instead of not less than twenty-five feet from any building;
- (3) Requiring the Authority to place and maintain "No smoking" signage at all entrances and exits of the property and authorizing the Authority to display such signage at other locations;
- (4) Defining "common areas" to mean roofs, halls, sidewalks, corridors, lobbies, stairs, stairways, fire escapes,



entrances and exits of the building or buildings, basements, yards, gardens, recreational facilities, parking areas, storage spaces, and other parts of the project or household normally in common use or other areas designated by the authority;

- (5) Defining "smoking" to mean inhaling, exhaling, burning, or carrying any lighted or heated tobacco product or plant product intended for inhalation in any manner or in any form;
- (6) Removing the requirement that the Authority notify the tenant in writing of noncompliance with the smoking prohibition;
- (7) Removing the explicit authority for the Authority to adopt rules pursuant to chapter 91, Hawaii Revised Statutes, to implement the smoking prohibition;
- (8) Requiring that three violations of the smoking prohibition occur, instead of one violation, before the Authority may terminate a lease, rental agreement, permit, or license, or evict from the premises any tenant, licensee, or other occupant; and
- (9) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2577, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2577, H.D. 2, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Human Services,


SUZANNE CHUN OAKLAND, Chair



The Senate
Twenty-Seventh Legislature
State of Hawai'i

Record of Votes
Committee on Human Services
HMS

Bill / Resolution No.:*	Committee Referral:	Date:
HB 2577, HD2	HMS, JDL	3-18-14
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____		
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"><input type="checkbox"/> Pass, unamended 2312</div> <div style="text-align: center;"><input checked="" type="checkbox"/> Pass, with amendments 2311</div> <div style="text-align: center;"><input type="checkbox"/> Hold 2310</div> <div style="text-align: center;"><input type="checkbox"/> Recommit 2313</div> </div>		
Members	Aye	Aye (WR)
CHUN OAKLAND, Suzanne (C)	✓	
GREEN, M.D., Josh (VC)	✓	
KIDANI, Michelle N.	✓	
TANIGUCHI, Brian T.		
SLOM, Sam		
TOTAL	3	
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:		
<div style="display: flex; justify-content: space-between; font-size: small;"> <div>Distribution:</div> <div>Original</div> <div>Yellow</div> <div>Pink</div> <div>Goldenrod</div> </div> <div style="display: flex; justify-content: space-between; font-size: x-small;"> <div>File with Committee Report</div> <div>Clerk's Office</div> <div>Drafting Agency</div> <div>Committee File Copy</div> </div>		

*Only one measure per Record of Votes